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7 **UNITED STATES DISTRICT COURT**
8 **FOR THE NORTHERN DISTRICT OF CALIFORNIA**

9 In re FACEBOOK BIOMETRIC INFORMATION
10 PRIVACY LITIGATION

Case No. 3:15-cv-03747-JD

11 This Document Relates To:

12 ALL ACTIONS

LEVI & KORSINSKY, LLP'S RESPONSE TO
EMERGENCY APPLICATION FOR A
TEMPORARY RESTRAINING ORDER

15 Levi & Korsinsky, LLP ("LK") hereby responds to the Emergency Motion for a Temporary
16 Restraining Order ("TRO", D.I. 477) as follows.

17 On September 18, 2020, LK was contacted by Lead Counsel concerning the Facebook material at
18 issue. LK asked Lead Counsel to explain its concerns. Lead Counsel moved for a TRO before responding
19 to LK or giving LK the opportunity to address Lead Counsel's concerns, which were not articulated prior
20 to the motion for a TRO.

21 LK vigorously disputes Lead Counsel's suggestion that the Facebook material is misleading or
22 incomplete in any way, and further notes that Lead Counsel's description of the facts is materially
23 incomplete. Nonetheless, while reserving all rights, LK has taken down the Facebook materials at issue
24 pending further discussions with Lead Counsel.

25 Lead Counsel contacted LK at approximately 7:00 PM New York time on September 18, 2020.
26 LK advised Lead Counsel that the Facebook materials were taken down and asked Lead Counsel to
27 articulate its specific concerns about the material in writing so that LK may evaluate them and respond
28

1 accordingly.

2 LK represents to the Court that it will not re-post the Facebook material in question until LK and
3 Lead Counsel an adequate opportunity to meet and confer. LK has asked to continue the meet and confer
4 with Lead Counsel again on Monday so that they may attempt to resolve this dispute. In the event the
5 parties are unable to do so, LK will give Lead Counsel advance notice prior to re-posting the material in
6 question so that Lead Counsel can take appropriate action if it so chooses.

7 Accordingly, Lead Counsel's application for a TRO should be denied as moot.

8 Dated: September 18, 2020

Respectfully submitted,

9 LEVI & KORSINSKY, LLP

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11 s/ Adam M. Apton

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